

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

BRIAN D. KELLY,

Civil No. 08-5991 (JRT/AJB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

ADAM WRIGHT and CONSERVE-
ARM,

Defendants.

Brian D. Kelly, 3926 Tyler Street, Columbia Heights, MN 55421, pro se plaintiff.

Christopher Morris, Michael Klutho, and David Turner, **BASSFORD REMELE, P.P.**, 33 South Sixth Street, Suite 3800, Minneapolis, MN 55402, for defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Arthur J. Boylan, dated September 22, 2010 [Docket No. 31]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Brian D. Kelly's Motion to Terminate Settlement, Reverse Dismissal Order and Set Trial Schedule [Docket No. 10] is **DENIED**;
2. Brian D. Kelly's Motion for Sanctions of \$16,500.00 for Gross Financial Dereliction [Docket No. 13] is **DENIED**;

3. Brian D. Kelly's Motion to Forfeit Settlement Funds Paid in Settlement [Docket No. 15] is **DENIED**; and
4. Adam Wright and ConServe-ARM's Motion for Sanctions [Docket No. 20] is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 18, 2010
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge